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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

HIGH COURT OF CHHATTISGARH AT BILASPUR

CR.M.P.NO. 539/2007

SB: HON'BLE SHRI DHIRENDRA MISHRA,J

APPLICANT/ APPELLANT	:	State of Chhattisgarh, through the District Magistrate Durg, District Durg (C.G.)
	Vs.	
NON-APPLICANT RESPONDENT	:	Umendram Yadav, aged about 37 years, S/o Hanuman Yadav, R/o Village Amleshwar, P.S. Kumhari, District Durg (C.G.)

28-11-2007

Shri Arun Sao, Govt. Advocate for the applicant/State.

Heard on admission.

By this petition the applicant/State has sought leave of this Court under Section 378(3) of the Code of Criminal Procedure for preferring appeal against the judgment of conviction and order of sentence dated 18th June 2007 passed in Sessions Trial No.178/2006, whereby the learned Sessions Judge, Durg has convicted the non-applicant under Section 498-A of the IPC and acquitted him of the charge under Section 306 of IPC for abetting deceased (Vidya Bai), his wife, to commit suicide.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

From perusal of the impugned judgment, it is seen that the trial Court considering the dying declaration of the deceased Vidya Bai of Ex.P-3, inf which she has stated that on the date of incident there was a quarrel between her and the non-applicant, as a result of which she poured kerosene and committed suicide and that her husband tried to save her, convicted the non-applicant under Section 498-A of the IPC. However, he has been acquitted of the charge under Section 306 of the IPC by the trial Court as parents of the deceased did not support the case of the prosecution and there was no evidence of any past cruelty against the accused.

Taking into consideration the reasons assigned by the learned trial Court for acquitting the non-applicant of the charge under Section 306 of IPC, the same appear to be based on just and proper appreciation of the evidence available on record. There is no illegality or infirmity in the impugned judgment which warrants interference by this Court. Accordingly, the instant petition for grant of leave to appeal is dismissed.

Sd/-
Dhirendra Mishra
Judge